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cont'd

a computer for recording and evaluating only the number of potential customers and the number of actual customers, and for controlling said unit.

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### REMARKS

Claims 1-43 are pending in the present application. On April 3, 2003, the Examiner and his Primary Examiner conducted an interview with Applicant's representative. Applicant's representatives thank the Examiners for conducting the interview.

All of the pending claims are variously rejected on art. The independent claims are rejected based on a combination of Sizer et al., U.S. Patent No. 5,923,252 and Frey, U.S. Patent No. 5,138,638 under 35 U.S.C. §103(a). Applicant respectfully traverses these rejections. For instance, independent claim 18 recites, in part:

detecting in direct sequence a number of potential customers with a first sensor, said potential customers being all individuals passing by said first sensor; . . .

determining actual customers of said potential customers who purchased at least one product projected in said message; and recording and correlating only the number of the potential customers and the actual customers.

These limitations are not taught by the cited art. The cited art fails to teach recording and correlating only the number of potential customers, said customers being all individuals passing by a sensor, and the number of actual customers.

The Examiner cites Frey, column 3 for teaching this feature. However, independent claim 18 is limited to recording and correlating only the number of potential customers and the number of actual customers. The Frey reference counts all persons who enter a store (see column 3, lines 5-9). However, Frey indicates that potential customers are only those person who meet certain criteria. It is noted that both the present application and the Frey reference use the language “potential customers.” However, the use of this language has different meanings in the present invention and the cited art. The independent claims in the present application define “potential customers” to be all individuals passing by a sensor. The Frey reference defines “potential customers” as individuals who pass by a sensor and meet certain criteria (column 1, lines 9-23). For instance, in Frey, if a midget passes by a sensor, he or she will not be indicated as a potential customer because he or she does not meet height criteria. In the present invention, a midget passing by a sensor is considered a potential customer.

Frey has a system for evaluating all customers, potential customers, and point of sale (POS) (see column 3). The Examiner relied on the Sizer et al. reference for teaching detecting in direct sequence (column 1, lines 55-65). However, there is no reasonable expectation of success that the information of Sizer et al. would be operable with the evaluation system of Frey because, the Sizer et al. system lacks the necessary data for operating the system in Frey. For instance, Sizer et al. would have

no input for information relating to “potential customers,” as defined by Frey. In addition, as noted in the Interview Summary by the Examiner, any “filtered information” obtained in Sizer et al. would not be operable in Frey because of the lack of correspondence between the information, not to mention that the “filtered information” in Sizer et al. is not a representation of detecting potential customers in direct sequence. Moreover, the Sizer et al. reference teaches away from a combination with the Frey reference because Sizer et al. teach away from using the device described in the background of the invention (see Sizer et al. column 1, lines 57-64). Accordingly, Applicant respectfully requests reconsideration of this issue.

The remaining independent claims recite similar limitations.

In the event the Examiner maintains a rejection based on these references, he is respectfully requested to provide a teaching to successfully combine the two references and a teaching of motivation to combine the two references.

Accordingly, it is respectfully requested that all rejections under 35 U.S.C. §103(a) be withdrawn.

### **Pending Claims**

For the convenience of the Examiner, APPENDIX II is provided herewith having a complete set of pending claims with all amendments effected therein.

**Fees**

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$55.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,  
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**APPENDIX I****AMENDED CLAIMS WITH AMENDMENTS INDICATED THEREIN  
BY BRACKETS AND UNDERLINING**

1. (Three Times Amended) A method for detecting customer behavior due to one of projected visual and projected audiovisual messages and for detecting a range of action of the projected messages, wherein in a detection range a number of potential customers is detected in direct sequence, said potential customers being all individuals passing by said first sensor, and in that the messages are presented to the potential customers one of visually and audiovisually, and a number of actual buyers of bought products is detected, and only the detected numbers of the potential customers, the actual buyers and of the bought products are recorded and correlated.

4. (Three Times Amended) An arrangement for detecting customers behavior due to one of projected visual and projected audiovisual messages and for detecting the range of action of the projected messages, wherein sensors are provided being associated to at least one range for detecting movements of the customers in said range, at least a first sensor is provided at an entry of said range for detecting in direct sequence first counting signals counting customers, said customers being all individuals passing by said first sensor and at least a second sensor is provided at an exit of said range for detecting second counting signals, a display is provided

for presenting messages in said range, a cash box for is provided detecting bought products and a computer is provided for only recording and evaluating the signals of the [movements and the] first counting, [signals] the second counting signal, the detection of bought products, and for controlling said display.

18. (Amended) A method for detecting customer behavior comprising the steps of:

detecting in direct sequence a number of potential customers with a first sensor, said potential customers being all individuals passing by said first sensor;

detecting the number of potential customers that exit with a second sensor;

projecting a message to the potential customers;

determining actual customers of said potential customers who purchased at least one product projected in said message; and

recording and correlating only the number of the potential customers and the actual customers.

22. (Amended) An apparatus for detecting consumer behavior comprising:

a first sensor for detecting in direct sequence a number of potential customers, said potential customers being all individuals passing by said first sensor;

a second sensor for detecting the number of potential customers that exit;

a unit for presenting a message to said potential customers;

a register for determining actual customers of said potential customers who purchased at least one product presented in said message;

a computer for recording and evaluating only the number of potential customers and the number of actual customers, and for controlling said unit.

30. (Amended) A method for detecting customer behavior comprising the steps of:

providing one of an advertising space and a sales space between a first sensor and a second sensor, and an advertising space between the first sensor and the second sensor;

detecting in direct sequence a number of potential customers with the first sensor, said potential customers being all individuals passing by said first sensor;

detecting the number of potential customers that exit with the second sensor;

projecting a message to the potential customers in said advertising space with a display;

determining actual customers of said potential customers who purchased at least one product projected in said message; and

recording and correlating only the number of the potential customers and the actual customers.

37. (Amended) An apparatus for detecting consumer behavior comprising:

- a first sensor for detecting in direct sequence a number of potential customers,  
said potential customers being all individuals passing by said first sensor;
- an advertising region and a sales region;
- said advertising region adjacent said sales region;
- a second sensor for detecting the number of potential customers that exit;
- one of said advertising region and said sales region located electrically  
between said first sensor and said second sensor, and said advertising region located  
electrically between said first sensor and said second sensor;
- a display unit for presenting a message in said advertising region;
- a register for determining actual customers of said potential customers who  
purchased at least one product presented in said message;
- a computer for recording and evaluating only the number of potential  
customers and the number of actual customers, and for controlling said unit.



**APPENDIX II**  
**ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN**

1. (Three Times Amended) A method for detecting customer behavior due to one of projected visual and projected audiovisual messages and for detecting a range of action of the projected messages, wherein in a detection range a number of potential customers is detected in direct sequence, said potential customers being all individuals passing by said first sensor, and in that the messages are presented to the potential customers one of visually and audiovisually, and a number of actual buyers of bought products is detected, and only the detected numbers of the potential customers, the actual buyers and of the bought products are recorded and correlated.

2. (Twice Amended) A method as claimed in claim 1, wherein the detected numbers of at least two detection ranges are centrally registered and evaluated.

3. (Amended) A method as claimed in claim 2, wherein the mode of presenting the messages is centrally controlled.

4. (Three Times Amended) An arrangement for detecting customers behavior due to one of projected visual and projected audiovisual messages and for detecting the range of action of the projected messages, wherein sensors are provided being associated to at least one range for detecting movements of the customers in said range, at least a first sensor is provided at an entry of said range for detecting in direct sequence first counting signals counting customers, said customers being all individuals passing by said first sensor and at least a second sensor is provided at an exit of said range for detecting second counting signals, a display is provided for presenting messages in said range, a cash box for is provided detecting bought products and a computer is provided for only recording and evaluating the signals of the first counting, the second counting signal, the detection of bought products, and for controlling said display.

5. (Twice Amended) An arrangement according to claim 4, wherein two ranges connected with one another via a passage, at which at least a third sensor is provided, wherein the display is arranged in said first range and the products in said second range.

6. (Amended) An arrangement according to claim 4 or 5, wherein said second sensor at the exit is coupled to an electronic cash register.

7. (Amended) An arrangement according to claim 6, wherein said computer includes an image storage for the display.

8. (Amended) An arrangement according to claim 7, wherein said computer is in combination with computers of further arrangements to a central detection and evaluation unit.

9. (Amended) An arrangement according to claim 4, wherein a fiber optical display is employed.

10. (Amended) An arrangement according to claim 4 or 9, wherein the display is arranged in upright position.

11. (Amended) An arrangement according to claim 4 or 9, wherein the display is arranged suspended in suitable manner.

12. (Amended) An arrangement according to claim 10, wherein the display is arranged inclinedly.

13.(Amended) An arrangement according to claim 10, wherein a plurality of displays are arranged in suitable manner.

14. (Amended) An arrangement according to claim 4, wherein the same is cross-linked with at least a further same arrangement via a central station.

15.(Amended) An arrangement according to claim 11, wherein the display is arranged inclinedly.

16. (Amended) An arrangement according to claim 11, wherein a plurality of displays are arranged in suitable manner.

17. (Amended) An arrangement according to claim 12, wherein a plurality of displays are arranged in suitable manner.

18. (Amended) A method for detecting customer behavior comprising the steps of:

detecting in direct sequence a number of potential customers with a first sensor, said potential customers being all individuals passing by said first sensor;  
detecting the number of potential customers that exit with a second sensor;

projecting a message to the potential customers;  
determining actual customers of said potential customers who purchased at least one product projected in said message; and  
recording and correlating only the number of the potential customers and the actual customers.

19. A method for detecting customer behavior according to claim 18, wherein the message is one of a visual message and an audiovisual message.

20. A method for detecting customer behavior according to claim 18, wherein a message is only projected to potential customers if the number of potential customers detected in direct sequence with the first sensor exceeds the number potential customers that exit detected with the second sensor.

21. A method for detecting customer behavior according to claim 18, wherein the step of recording and correlating data is via a worldwide link.

22. (Amended) An apparatus for detecting consumer behavior comprising:

a first sensor for detecting in direct sequence a number of potential customers, said potential customers being all individuals passing by said first sensor;

a second sensor for detecting the number of potential customers that exit;

a unit for presenting a message to said potential customers;

a register for determining actual customers of said potential customers who purchased at least one product presented in said message;

a computer for recording and evaluating only the number of potential customers and the number of actual customers, and for controlling said unit.

23. An apparatus for detecting consumer behavior according to claim 22, wherein the computer controls the unit so that a message is only presented when the number of potential customers detected with the first sensor exceeds the number of potential customers that exit detected with the second sensor.

24. An apparatus for detecting consumer behavior according to claim 22, wherein the message is one of a visual message and an audiovisual message.

25. An apparatus for detecting consumer behavior according to claim 22, further comprising a central control unit for controlling said computer.

26. An apparatus for detecting consumer behavior according to claim 22, wherein said unit is suspended at an angle.

27. An apparatus for detecting consumer behavior according to claim 22, wherein said unit is a fiber optic display.

28. An apparatus for detecting consumer behavior according to claim 22, wherein said unit is a plurality of units.

29. An apparatus for detecting consumer behavior according to claim 22, further comprising a third sensor for detecting removal of a product.

30. (Amended) A method for detecting customer behavior comprising the steps of:

providing one of an advertising space and a sales space between a first sensor and a second sensor, and an advertising space between the first sensor and the second sensor;

detecting in direct sequence a number of potential customers with the first sensor, said potential customers being all individuals passing by said first sensor;

detecting the number of potential customers that exit with the second sensor;

projecting a message to the potential customers in said advertising space with a display;

determining actual customers of said potential customers who purchased at least one product projected in said message; and

recording and correlating only the number of the potential customers and the actual customers.

31. A method for detecting customer behavior according to claim 30, wherein the message is one of a visual message and an audiovisual message.

32. A method for detecting customer behavior according to claim 30, wherein a message is only projected to potential customers if the number of potential customers detected in direct sequence with the first sensor exceeds the number potential customers that exit detected with the second sensor.

33. A method for detecting customer behavior according to claim 30, wherein the step of recording and correlating data is via a worldwide link.



34. A method for detecting customer behavior according to claim 30, further comprising the step of providing a third sensor between the advertising space and the sales space.

35. A method for detecting customer behavior according to claim 30, wherein the advertising space and the sales space coincide.

36. A method for detecting customer behavior according to claim 30, wherein potential customers are further detected in the advertising space.

37. (Amended) An apparatus for detecting consumer behavior comprising:  
a first sensor for detecting in direct sequence a number of potential customers, said potential customers being all individuals passing by said first sensor;

an advertising region and a sales region;

said advertising region adjacent said sales region;

a second sensor for detecting the number of potential customers that exit;

one of said advertising region and said sales region located electrically between said first sensor and said second sensor, and said advertising region located electrically between said first sensor and said second sensor;

a display unit for presenting a message in said advertising region;

a register for determining actual customers of said potential customers who purchased at least one product presented in said message;

a computer for recording and evaluating only the number of potential customers and the number of actual customers, and for controlling said unit.

38. An apparatus for detecting consumer behavior according to claim 37, wherein the computer controls the unit so that a message is only presented when the number of potential customers detected with the first sensor exceeds the number of potential customers that exit detected with the second sensor.

39. An apparatus for detecting consumer behavior according to claim 37, wherein the message is one of a visual message and an audiovisual message.

40. An apparatus for detecting consumer behavior according to claim 37, further comprising a central control unit for controlling said computer.

41. An apparatus for detecting consumer behavior according to claim 37, further comprising a third sensor for detecting the number of potential customers

that exit the advertising region located between said first sensor and said second sensor.

42. An apparatus for detecting consumer behavior according to claim 37, wherein the advertising region and the sales region coincide.

43. An apparatus for detecting consumer behavior according to claim 37, wherein potential customers are further detected in the advertising space.